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**AUG 25 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Marvin SHANNON et. al. :  
Application No. 10/708,757 :  
Filed: March 24, 2004 :  
Attorney Docket No. lms-wb-2004-03-23 :

**DECISION ON PETITION  
UNDER 37 CFR 1.137(b)**

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed September 8, 2004. The Notice sets a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 9, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s): (2) the petition fee as set forth in 37 CFR 1.17(m). The required petition fee by a small entity is \$750. The \$665 submitted with the petition on June 22, 2005 has been credited to the above-identified application, but this amount is insufficient to cover the petition fee as set forth in 37 CFR 1.17(m). The petitioner should submit \$85 along with any request for reconsideration of this decision as specified above to renew the petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

A handwritten signature in black ink that reads "Brian Hearn, for". The signature is written in a cursive, flowing style.

Frances Hicks  
Lead Petitions Examiner  
Office of Petitions